



General Assembly

January Session, 2015

Governor's Bill No. 952

LCO No. 3993



Referred to Committee on JUDICIARY

Introduced by:

SEN. LOONEY, 11th Dist.

SEN. DUFF, 25th Dist.

REP. SHARKEY, 88th Dist.

REP. ARESIMOWICZ, 30th Dist.

AN ACT CONCERNING A SECOND CHANCE SOCIETY.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 21a-279 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2015*):

3 (a) Any person who possesses or has under his or her control any
4 quantity of any narcotic substance, controlled substance or
5 hallucinogenic substance other than marijuana or who possesses one-
6 half ounce or more of a cannabis-type substance, except as authorized
7 in this chapter, [for a first offense, may be imprisoned not more than
8 seven years or be fined not more than fifty thousand dollars, or be both
9 fined and imprisoned; and for a second offense, may be imprisoned
10 not more than fifteen years or be fined not more than one hundred
11 thousand dollars, or be both fined and imprisoned; and for any
12 subsequent offense, may be imprisoned not more than twenty-five

13 years or be fined not more than two hundred fifty thousand dollars, or
14 be both fined and imprisoned] shall be guilty of a class A
15 misdemeanor.

16 [(b) Any person who possesses or has under his control any
17 quantity of a hallucinogenic substance other than marijuana or four
18 ounces or more of a cannabis-type substance, except as authorized in
19 this chapter, for a first offense, shall be guilty of a class D felony, and
20 for a subsequent offense shall be guilty of a class C felony.

21 (c) Any person who possesses or has under his control any quantity
22 of any controlled substance other than a narcotic substance, or a
23 hallucinogenic substance other than marijuana or who possesses or has
24 under his control one-half ounce or more but less than four ounces of a
25 cannabis-type substance, except as authorized in this chapter, (1) for a
26 first offense, may be fined not more than one thousand dollars or be
27 imprisoned not more than one year, or be both fined and imprisoned;
28 and (2) for a subsequent offense, shall be guilty of a class D felony.

29 (d) Any person who violates subsection (a), (b) or (c) of this section
30 in or on, or within one thousand five hundred feet of, the real property
31 comprising a public or private elementary or secondary school and
32 who is not enrolled as a student in such school or a licensed child day
33 care center, as defined in section 19a-77, that is identified as a child day
34 care center by a sign posted in a conspicuous place shall be imprisoned
35 for a term of two years, which shall not be suspended and shall be in
36 addition and consecutive to any term of imprisonment imposed for
37 violation of subsection (a), (b) or (c) of this section.

38 (e) As an alternative to the sentences specified in subsections (a) and
39 (b) and specified for a subsequent offense under subsection (c) of this
40 section, the court may sentence the person to the custody of the
41 Commissioner of Correction for an indeterminate term not to exceed
42 three years or the maximum term specified for the offense, whichever
43 is the lesser, and at any time within such indeterminate term and

44 without regard to any other provision of law regarding minimum term
45 of confinement, the Commissioner of Correction may release the
46 convicted person so sentenced subject to such conditions as he may
47 impose including, but not limited to, supervision by suitable authority.
48 At any time during such indeterminate term, the Commissioner of
49 Correction may revoke any such conditional release in his discretion
50 for violation of the conditions imposed and return the convicted
51 person to a correctional institution.]

52 [(f)] (b) To the extent that it is possible, medical treatment rather
53 than criminal sanctions shall be afforded individuals who breathe,
54 inhale, sniff or drink the volatile substances [defined] described in
55 subdivision (49) of section 21a-240.

56 [(g)] (c) The provisions of [subsections (a) to (c), inclusive,]
57 subsection (a) of this section shall not apply to any person (1) who in
58 good faith, seeks medical assistance for another person who such
59 person reasonably believes is experiencing an overdose from the
60 ingestion, inhalation or injection of intoxicating liquor or any drug or
61 substance, (2) for whom another person, in good faith, seeks medical
62 assistance, reasonably believing such person is experiencing an
63 overdose from the ingestion, inhalation or injection of intoxicating
64 liquor or any drug or substance, or (3) who reasonably believes he or
65 she is experiencing an overdose from the ingestion, inhalation or
66 injection of intoxicating liquor or any drug or substance and, in good
67 faith, seeks medical assistance for himself or herself, if evidence of the
68 possession or control of a controlled substance in violation of
69 subsection (a) [, (b) or (c)] of this section was obtained as a result of the
70 seeking of such medical assistance. For the purposes of this subsection,
71 "good faith" does not include seeking medical assistance during the
72 course of the execution of an arrest warrant or search warrant or a
73 lawful search.

74 Sec. 2. Subsection (c) of section 7-294d of the general statutes is
75 repealed and the following is substituted in lieu thereof (*Effective*

76 October 1, 2015):

77 (c) (1) The council may refuse to renew any certificate if the holder
78 fails to meet the requirements for renewal of his or her certification.

79 (2) The council may cancel or revoke any certificate if: (A) The
80 certificate was issued by administrative error, (B) the certificate was
81 obtained through misrepresentation or fraud, (C) the holder falsified
82 any document in order to obtain or renew any certificate, (D) the
83 holder has been convicted of a felony, (E) the holder has been found
84 not guilty of a felony by reason of mental disease or defect pursuant to
85 section 53a-13, (F) the holder has been convicted of a violation of
86 [subsection (c) of] section 21a-279, as amended by this act, (G) the
87 holder has been refused issuance of a certificate or similar
88 authorization or has had his or her certificate or other authorization
89 cancelled or revoked by another jurisdiction on grounds which would
90 authorize cancellation or revocation under the provisions of this
91 subdivision, (H) the holder has been found by a law enforcement unit,
92 pursuant to procedures established by such unit, to have used a
93 firearm in an improper manner which resulted in the death or serious
94 physical injury of another person, or (I) the holder has been found by a
95 law enforcement unit, pursuant to procedures established by such
96 unit, to have committed any act that would constitute tampering with
97 or fabricating physical evidence in violation of section 53a-155, perjury
98 in violation of section 53a-156 or false statement in violation of section
99 53a-157b. Whenever the council believes there is a reasonable basis for
100 cancellation or revocation of the certification of a police officer, police
101 training school or law enforcement instructor, it shall give notice and
102 an adequate opportunity for a hearing prior to such cancellation or
103 revocation. The council may cancel or revoke any certificate if, after a
104 de novo review, it finds by clear and convincing evidence (i) a basis set
105 forth in subparagraphs (A) to (G), inclusive, of this subdivision, or (ii)
106 that the holder of the certificate committed an act set forth in
107 subparagraph (H) or (I) of this subdivision. Any police officer or law
108 enforcement instructor whose certification is cancelled or revoked

109 pursuant to this section may reapply for certification no sooner than
110 two years after the date on which the cancellation or revocation order
111 becomes final. Any police training school whose certification is
112 cancelled or revoked pursuant to this section may reapply for
113 certification at any time after the date on which such order becomes
114 final.

115 Sec. 3. Subsection (b) of section 29-28 of the general statutes is
116 repealed and the following is substituted in lieu thereof (*Effective*
117 *October 1, 2015*):

118 (b) Upon the application of any person having a bona fide
119 permanent residence within the jurisdiction of any such authority,
120 such chief of police, warden or selectman may issue a temporary state
121 permit to such person to carry a pistol or revolver within the state,
122 provided such authority shall find that such applicant intends to make
123 no use of any pistol or revolver which such applicant may be
124 permitted to carry under such permit other than a lawful use and that
125 such person is a suitable person to receive such permit. No state or
126 temporary state permit to carry a pistol or revolver shall be issued
127 under this subsection if the applicant (1) has failed to successfully
128 complete a course approved by the Commissioner of Emergency
129 Services and Public Protection in the safety and use of pistols and
130 revolvers including, but not limited to, a safety or training course in
131 the use of pistols and revolvers available to the public offered by a law
132 enforcement agency, a private or public educational institution or a
133 firearms training school, utilizing instructors certified by the National
134 Rifle Association or the Department of Energy and Environmental
135 Protection and a safety or training course in the use of pistols or
136 revolvers conducted by an instructor certified by the state or the
137 National Rifle Association, (2) has been convicted of (A) a felony, or (B)
138 on or after October 1, 1994, a violation of [subsection (c) of] section 21a-
139 279, as amended by this act, or section 53a-58, 53a-61, 53a-61a, 53a-62,
140 53a-63, 53a-96, 53a-175, 53a-176, 53a-178 or 53a-181d, (3) has been
141 convicted as delinquent for the commission of a serious juvenile

142 offense, as defined in section 46b-120, (4) has been discharged from
143 custody within the preceding twenty years after having been found
144 not guilty of a crime by reason of mental disease or defect pursuant to
145 section 53a-13, (5) (A) has been confined in a hospital for persons with
146 psychiatric disabilities, as defined in section 17a-495, within the
147 preceding sixty months by order of a probate court, or (B) has been
148 voluntarily admitted on or after October 1, 2013, to a hospital for
149 persons with psychiatric disabilities, as defined in section 17a-495,
150 within the preceding six months for care and treatment of a psychiatric
151 disability and not solely for being an alcohol-dependent person or a
152 drug-dependent person as those terms are defined in section 17a-680,
153 (6) is subject to a restraining or protective order issued by a court in a
154 case involving the use, attempted use or threatened use of physical
155 force against another person, (7) is subject to a firearms seizure order
156 issued pursuant to subsection (d) of section 29-38c after notice and
157 hearing, (8) is prohibited from shipping, transporting, possessing or
158 receiving a firearm pursuant to 18 USC 922(g)(4), (9) is an alien
159 illegally or unlawfully in the United States, or (10) is less than twenty-
160 one years of age. Nothing in this section shall require any person who
161 holds a valid permit to carry a pistol or revolver on October 1, 1994, to
162 participate in any additional training in the safety and use of pistols
163 and revolvers. No person may apply for a temporary state permit to
164 carry a pistol or revolver more than once within any twelve-month
165 period, and no temporary state permit to carry a pistol or revolver
166 shall be issued to any person who has applied for such permit more
167 than once within the preceding twelve months. Any person who
168 applies for a temporary state permit to carry a pistol or revolver shall
169 indicate in writing on the application, under penalty of false statement
170 in such manner as the issuing authority prescribes, that such person
171 has not applied for a temporary state permit to carry a pistol or
172 revolver within the past twelve months. Upon issuance of a temporary
173 state permit to carry a pistol or revolver to the applicant, the local
174 authority shall forward the original application to the commissioner.
175 Not later than sixty days after receiving a temporary state permit, an

176 applicant shall appear at a location designated by the commissioner to
177 receive the state permit. The commissioner may then issue, to any
178 holder of any temporary state permit, a state permit to carry a pistol or
179 revolver within the state. Upon issuance of the state permit, the
180 commissioner shall make available to the permit holder a copy of the
181 law regarding the permit holder's responsibility to report the loss or
182 theft of a firearm and the penalties associated with the failure to
183 comply with such law. Upon issuance of the state permit, the
184 commissioner shall forward a record of such permit to the local
185 authority issuing the temporary state permit. The commissioner shall
186 retain records of all applications, whether approved or denied. The
187 copy of the state permit delivered to the permittee shall be laminated
188 and shall contain a full-face photograph of such permittee. A person
189 holding a state permit issued pursuant to this subsection shall notify
190 the issuing authority within two business days of any change of such
191 person's address. The notification shall include the old address and the
192 new address of such person.

193 Sec. 4. Subsection (b) of section 29-36f of the general statutes is
194 repealed and the following is substituted in lieu thereof (*Effective*
195 *October 1, 2015*):

196 (b) The Commissioner of Emergency Services and Public Protection
197 shall issue an eligibility certificate unless said commissioner finds that
198 the applicant: (1) Has failed to successfully complete a course
199 approved by the Commissioner of Emergency Services and Public
200 Protection in the safety and use of pistols and revolvers including, but
201 not limited to, a safety or training course in the use of pistols and
202 revolvers available to the public offered by a law enforcement agency,
203 a private or public educational institution or a firearms training school,
204 utilizing instructors certified by the National Rifle Association or the
205 Department of Energy and Environmental Protection and a safety or
206 training course in the use of pistols or revolvers conducted by an
207 instructor certified by the state or the National Rifle Association; (2)
208 has been convicted of a felony or of a violation of [subsection (c) of]

209 section 21a-279, as amended by this act, or section 53a-58, 53a-61, 53a-
210 61a, 53a-62, 53a-63, 53a-96, 53a-175, 53a-176, 53a-178 or 53a-181d; (3)
211 has been convicted as delinquent for the commission of a serious
212 juvenile offense, as defined in section 46b-120; (4) has been discharged
213 from custody within the preceding twenty years after having been
214 found not guilty of a crime by reason of mental disease or defect
215 pursuant to section 53a-13; (5) (A) has been confined in a hospital for
216 persons with psychiatric disabilities, as defined in section 17a-495,
217 within the preceding sixty months by order of a probate court; or (B)
218 has been voluntarily admitted on or after October 1, 2013, to a hospital
219 for persons with psychiatric disabilities, as defined in section 17a-495,
220 within the preceding six months for care and treatment of a psychiatric
221 disability and not solely for being an alcohol-dependent person or a
222 drug-dependent person as those terms are defined in section 17a-680,
223 (6) is subject to a restraining or protective order issued by a court in a
224 case involving the use, attempted use or threatened use of physical
225 force against another person; (7) is subject to a firearms seizure order
226 issued pursuant to subsection (d) of section 29-38c after notice and
227 hearing; (8) is prohibited from shipping, transporting, possessing or
228 receiving a firearm pursuant to 18 USC 922(g)(4); or (9) is an alien
229 illegally or unlawfully in the United States.

230 Sec. 5. Subsection (b) of section 29-37p of the general statutes is
231 repealed and the following is substituted in lieu thereof (*Effective*
232 *October 1, 2015*):

233 (b) The Commissioner of Emergency Services and Public Protection
234 shall issue a long gun eligibility certificate unless said commissioner
235 finds that the applicant: (1) Has failed to successfully complete a
236 course approved by the Commissioner of Emergency Services and
237 Public Protection in the safety and use of firearms including, but not
238 limited to, a safety or training course in the use of firearms available to
239 the public offered by a law enforcement agency, a private or public
240 educational institution or a firearms training school, utilizing
241 instructors certified by the National Rifle Association or the

242 Department of Energy and Environmental Protection and a safety or
243 training course in the use of firearms conducted by an instructor
244 certified by the state or the National Rifle Association; (2) has been
245 convicted of (A) a felony, or (B) on or after October 1, 1994, a violation
246 of [subsection (c) of] section 21a-279, as amended by this act, or section
247 53a-58, 53a-61, 53a-61a, 53a-62, 53a-63, 53a-96, 53a-175, 53a-176, 53a-178
248 or 53a-181d; (3) has been convicted as delinquent for the commission
249 of a serious juvenile offense, as defined in section 46b-120; (4) has been
250 discharged from custody within the preceding twenty years after
251 having been found not guilty of a crime by reason of mental disease or
252 defect pursuant to section 53a-13; (5) has been confined in a hospital
253 for persons with psychiatric disabilities, as defined in section 17a-495,
254 within the preceding sixty months by order of a probate court; (6) has
255 been voluntarily admitted to a hospital for persons with psychiatric
256 disabilities, as defined in section 17a-495, within the preceding six
257 months for care and treatment of a psychiatric disability and not solely
258 for being an alcohol-dependent person or a drug-dependent person as
259 those terms are defined in section 17a-680; (7) is subject to a restraining
260 or protective order issued by a court in a case involving the use,
261 attempted use or threatened use of physical force against another
262 person; (8) is subject to a firearms seizure order issued pursuant to
263 subsection (d) of section 29-38c after notice and hearing; (9) is
264 prohibited from shipping, transporting, possessing or receiving a
265 firearm pursuant to 18 USC 922(g)(4); or (10) is an alien illegally or
266 unlawfully in the United States.

267 Sec. 6. Subsection (a) of section 53a-217 of the general statutes is
268 repealed and the following is substituted in lieu thereof (*Effective*
269 *October 1, 2015*):

270 (a) A person is guilty of criminal possession of a firearm,
271 ammunition or an electronic defense weapon when such person
272 possesses a firearm, ammunition or an electronic defense weapon and
273 (1) has been convicted of a felony committed prior to, on or after
274 October 1, 2013, or of a violation of [subsection (c) of] section 21a-279,

275 as amended by this act, or section 53a-58, 53a-61, 53a-61a, 53a-62, 53a-
276 63, 53a-96, 53a-175, 53a-176, 53a-178 or 53a-181d committed on or after
277 October 1, 2013, (2) has been convicted as delinquent for the
278 commission of a serious juvenile offense, as defined in section 46b-120,
279 (3) has been discharged from custody within the preceding twenty
280 years after having been found not guilty of a crime by reason of mental
281 disease or defect pursuant to section 53a-13, (4) knows that such
282 person is subject to (A) a restraining or protective order of a court of
283 this state that has been issued against such person, after notice and an
284 opportunity to be heard has been provided to such person, in a case
285 involving the use, attempted use or threatened use of physical force
286 against another person, or (B) a foreign order of protection, as defined
287 in section 46b-15a, that has been issued against such person in a case
288 involving the use, attempted use or threatened use of physical force
289 against another person, (5) (A) has been confined on or after October 1,
290 2013, in a hospital for persons with psychiatric disabilities, as defined
291 in section 17a-495, within the preceding sixty months by order of a
292 probate court, or with respect to any person who holds a valid permit
293 or certificate that was issued or renewed under the provisions of
294 section 29-28, as amended by this act, or 29-36f, as amended by this act,
295 in effect prior to October 1, 2013, such person has been confined in
296 such hospital within the preceding twelve months, or (B) has been
297 voluntarily admitted on or after October 1, 2013, to a hospital for
298 persons with psychiatric disabilities, as defined in section 17a-495,
299 within the preceding six months for care and treatment of a psychiatric
300 disability and not solely for being an alcohol-dependent person or a
301 drug-dependent person as those terms are defined in section 17a-680,
302 (6) knows that such person is subject to a firearms seizure order issued
303 pursuant to subsection (d) of section 29-38c after notice and an
304 opportunity to be heard has been provided to such person, or (7) is
305 prohibited from shipping, transporting, possessing or receiving a
306 firearm pursuant to 18 USC 922(g)(4). For the purposes of this section,
307 "convicted" means having a judgment of conviction entered by a court
308 of competent jurisdiction, "ammunition" means a loaded cartridge,

309 consisting of a primed case, propellant or projectile, designed for use
310 in any firearm, and a motor vehicle violation for which a sentence to a
311 term of imprisonment of more than one year may be imposed shall be
312 deemed an unclassified felony.

313 Sec. 7. Subsection (a) of section 53a-217c of the general statutes is
314 repealed and the following is substituted in lieu thereof (*Effective*
315 *October 1, 2015*):

316 (a) A person is guilty of criminal possession of a pistol or revolver
317 when such person possesses a pistol or revolver, as defined in section
318 29-27, and (1) has been convicted of a felony committed prior to, on or
319 after October 1, 2013, or of a violation of [subsection (c) of] section 21a-
320 279, as amended by this act, or section 53a-58, 53a-61, 53a-61a, 53a-62,
321 53a-63, 53a-96, 53a-175, 53a-176, 53a-178 or 53a-181d committed on or
322 after October 1, 1994, (2) has been convicted as delinquent for the
323 commission of a serious juvenile offense, as defined in section 46b-120,
324 (3) has been discharged from custody within the preceding twenty
325 years after having been found not guilty of a crime by reason of mental
326 disease or defect pursuant to section 53a-13, (4) (A) has been confined
327 prior to October 1, 2013, in a hospital for persons with psychiatric
328 disabilities, as defined in section 17a-495, within the preceding twelve
329 months by order of a probate court, or has been confined on or after
330 October 1, 2013, in a hospital for persons with psychiatric disabilities,
331 as defined in section 17a-495, within the preceding sixty months by
332 order of a probate court, or, with respect to any person who holds a
333 valid permit or certificate that was issued or renewed under the
334 provisions of section 29-28, as amended by this act, or 29-36f, as
335 amended by this act, in effect prior to October 1, 2013, such person has
336 been confined in such hospital within the preceding twelve months, or
337 (B) has been voluntarily admitted on or after October 1, 2013, to a
338 hospital for persons with psychiatric disabilities, as defined in section
339 17a-495, within the preceding six months for care and treatment of a
340 psychiatric disability and not solely for being an alcohol-dependent
341 person or a drug-dependent person as those terms are defined in

342 section 17a-680, (5) knows that such person is subject to (A) a
343 restraining or protective order of a court of this state that has been
344 issued against such person, after notice and an opportunity to be heard
345 has been provided to such person, in a case involving the use,
346 attempted use or threatened use of physical force against another
347 person, or (B) a foreign order of protection, as defined in section 46b-
348 15a, that has been issued against such person in a case involving the
349 use, attempted use or threatened use of physical force against another
350 person, (6) knows that such person is subject to a firearms seizure
351 order issued pursuant to subsection (d) of section 29-38c after notice
352 and an opportunity to be heard has been provided to such person, (7)
353 is prohibited from shipping, transporting, possessing or receiving a
354 firearm pursuant to 18 USC 922(g)(4), or (8) is an alien illegally or
355 unlawfully in the United States. For the purposes of this section,
356 "convicted" means having a judgment of conviction entered by a court
357 of competent jurisdiction.

358 Sec. 8. Subsection (b) of section 18-100h of the general statutes is
359 repealed and the following is substituted in lieu thereof (*Effective*
360 *October 1, 2015*):

361 (b) Notwithstanding any provision of the general statutes,
362 whenever a person is sentenced to a term of imprisonment for a
363 violation of section 21a-267 or [subsection (c) of section] 21a-279, as
364 amended by this act, and committed by the court to the custody of the
365 Commissioner of Correction, the commissioner may, after admission
366 and a risk and needs assessment, release such person to such person's
367 residence subject to the condition that such person not leave such
368 residence unless otherwise authorized. Based upon the assessment of
369 such person, the commissioner may require such person to be subject
370 to electronic monitoring, which may include the use of a global
371 positioning system and continuous monitoring for alcohol
372 consumption, to drug testing on a random basis, and to any other
373 conditions that the commissioner may impose. Any person released
374 pursuant to this subsection shall remain in the custody of the

375 commissioner and shall be supervised by employees of the department
376 during the period of such release. Upon the violation by such person of
377 any condition of such release, the commissioner may revoke such
378 release and return such person to confinement in a correctional facility.
379 For purposes of this subsection, "continuous monitoring for alcohol
380 consumption" means automatically testing breath, blood or
381 transdermal alcohol concentration levels and tamper attempts at least
382 once every hour regardless of the location of the person being
383 monitored.

384 Sec. 9. Section 54-124a of the general statutes is repealed and the
385 following is substituted in lieu thereof (*Effective June 30, 2015*):

386 (a) (1) There shall be a Board of Pardons and Paroles within the
387 Department of Correction, for administrative purposes only. [On and
388 after July 1, 2008, and prior to July 1, 2010, the board shall consist of
389 eighteen members, and on and after July 1, 2010, the] On and after July
390 1, 2015, the board shall consist of [twenty members. The Governor
391 shall appoint all members of the board] ten full-time and up to five
392 part-time members appointed by the Governor with the advice and
393 consent of both houses of the General Assembly. [On and after July 1,
394 2008, twelve of the members shall serve exclusively on parole release
395 panels, five of the members shall serve exclusively on pardons panels
396 and the chairperson may serve on both parole release panels and
397 pardons panels, except that on and after July 1, 2010, seven of the
398 members shall serve exclusively on pardons panels.] The term of any
399 part-time member serving on the board on June 30, 2015, shall expire
400 on said date. On or after July 1, 2015, the Governor may appoint up to
401 five persons to serve as part-time members. In the appointment of the
402 members, the Governor shall specify if the member is being appointed
403 as [chairperson, the full-time and part-time members being appointed
404 to serve on parole release panels and the members being appointed to
405 serve on pardons panels] full-time or part-time. In the appointment of
406 the members, the Governor shall comply with the provisions of section
407 4-9b. The Governor shall appoint a chairperson from among the

408 membership. The members of the board [appointed on or after
409 February 1, 2008,] shall be qualified by education, experience or
410 training in the administration of community corrections, parole or
411 pardons, criminal justice, criminology, the evaluation or supervision of
412 offenders or the provision of mental health services to offenders. Each
413 appointment of a member of the board submitted by the Governor to
414 the General Assembly, except as provided in subdivision (2) of this
415 subsection, shall be referred, without debate, to the [committee on]
416 joint standing committee of the General Assembly having cognizance
417 of matters relating to the judiciary which shall report [thereon] on each
418 appointment not later than thirty legislative days after the date of
419 reference.

420 (2) If, not later than September 1, 2015, the Governor appoints a
421 part-time member and such member was previously a member whose
422 term expired June 30, 2015, such appointment shall take effect
423 immediately without action by the General Assembly.

424 (b) The term of each [appointed member of the board serving on
425 June 30, 2008, who had been assigned by the chairperson exclusively to
426 parole hearings, shall expire on said date. The term of each] member of
427 the board [serving on June 30, 2008, who had been appointed
428 chairperson, had been assigned by the chairperson exclusively to
429 pardons hearings or has been appointed by the Governor on or after
430 February 1, 2008,] shall be coterminous with the term of the Governor
431 or until a successor is chosen, whichever is later. Any vacancy in the
432 membership of the board shall be filled for the unexpired portion of
433 the term by the Governor.

434 (c) [The chairperson and five of the members of the board appointed
435 by the Governor on or after February 1, 2008, to serve on parole release
436 panels] Ten of the members of the board shall devote full time to the
437 performance of their duties under this section and shall be
438 compensated therefor in such amount as the Commissioner of
439 Administrative Services determines, subject to the provisions of section

440 4-40. The other members of the board shall receive one hundred ten
441 dollars for each day spent in the performance of their duties and shall
442 be reimbursed for necessary expenses incurred in the performance of
443 such duties. The chairperson or, in the chairperson's absence or
444 inability to act, a member designated by the chairperson to serve
445 temporarily as chairperson, shall be present at all meetings of the
446 board and participate in all decisions. [thereof.]

447 (d) The chairperson shall be the executive and administrative head
448 of said board and shall have the authority and responsibility for (1)
449 overseeing all administrative affairs of the board, (2) assigning
450 members to panels, (3) establishing procedural rules for members to
451 follow when conducting hearings, reviewing recommendations made
452 by employees of the board and making decisions, (4) adopting policies
453 in all areas of pardons and paroles including, but not limited to,
454 granting pardons, commutations of punishments or releases,
455 conditioned or absolute, in the case of any person convicted of any
456 offense against the state and commutations from the penalty of death,
457 risk-based structured decision making and release criteria, (5)
458 consulting with the Department of Correction on shared issues
459 including, but not limited to, prison overcrowding, (6) consulting with
460 the Judicial Branch on shared issues of community supervision, and (7)
461 signing and issuing subpoenas to compel the attendance and
462 testimony of witnesses at parole proceedings. Any such subpoena shall
463 be enforceable to the same extent as subpoenas issued pursuant to
464 section 52-143.

465 (e) [Of the members appointed prior to February 1, 2008, the
466 chairperson shall assign seven members exclusively to parole release
467 hearings and shall assign five members exclusively to pardons
468 hearings. Except for the chairperson, no member assigned to parole
469 release hearings may be assigned subsequently to pardons hearings
470 and no member assigned to pardons hearings may be assigned
471 subsequently to parole release hearings. Prior to July 1, 2008, each
472 parole release panel shall be composed of two members from among

473 the members assigned by the chairperson exclusively to parole release
474 hearings or the members appointed by the Governor on or after
475 February 1, 2008, to serve exclusively on parole release panels, and the
476 chairperson or a member designated to serve temporarily as
477 chairperson, for each correctional institution. On and after July 1, 2008,
478 and prior to October 5, 2009, each parole release panel shall be
479 composed of two members appointed by the Governor on or after
480 February 1, 2008, to serve on parole release panels, at least one of
481 whom is a full-time member, and the chairperson or a full-time
482 member designated to serve temporarily as chairperson, for each
483 correctional institution. On and after October 5, 2009, each] Each parole
484 release panel shall be composed of two members [appointed by the
485 Governor to serve on parole release panels] and the chairperson or a
486 full-time member designated by the chairperson to serve temporarily
487 as chairperson. [, for each correctional institution. Such parole release
488 panels shall be the paroling authority for the institutions to which they
489 are assigned and] On and after January 1, 2016, not less than [two]
490 three members shall be present at each parole hearing. Each pardons
491 panel shall be composed of three members, [from among the members
492 assigned by the chairperson exclusively to pardons hearings or the
493 members appointed by the Governor on or after February 1, 2008, to
494 serve on pardons panels,] one of whom may be the chairperson, except
495 that for hearings on commutations from the penalty of death, one
496 member of the panel shall be the chairperson.

497 (f) The Board of Pardons and Paroles shall have independent
498 decision-making authority to (1) grant or deny parole in accordance
499 with sections 54-125, 54-125a, as amended by this act, 54-125e and 54-
500 125g, as amended by this act, (2) establish conditions of parole or
501 special parole supervision in accordance with section 54-126, (3)
502 rescind or revoke parole or special parole in accordance with sections
503 54-127 and 54-128, (4) grant commutations of punishment or releases,
504 conditioned or absolute, in the case of any person convicted of any
505 offense against the state and commutations from the penalty of death

506 in accordance with section 54-130a.

507 (g) The Department of Correction shall be responsible for the
508 supervision of any person transferred to the jurisdiction of the Board
509 of Pardons and Paroles during such person's period of parole or
510 special parole.

511 (h) The chairperson, or the chairperson's designee, and two
512 members of the board [from among the members assigned by the
513 chairperson to serve exclusively on parole release panels or the
514 members appointed by the Governor on or after February 1, 2008, to
515 serve on parole release panels,] shall conduct all parole release
516 hearings, and shall approve or deny all (1) parole revocations and
517 parole rescissions recommended by an employee of the board
518 pursuant to section 54-127a, and (2) recommendations for parole
519 pursuant to section 11 of this act. No panel of the Board of Pardons
520 and Paroles shall hold a hearing to determine the suitability for parole
521 release of any person unless the chairperson of the board has made
522 reasonable efforts to determine the existence of and obtain all
523 information deemed pertinent to the panel's decision and has certified
524 that all such pertinent information determined to exist has been
525 obtained or is unavailable.

526 (i) The chairperson of the board shall appoint an executive director.
527 The executive director shall oversee the administration of the agency
528 and, at the discretion of the chairperson, shall: (1) Direct and supervise
529 all administrative affairs of the board, (2) prepare the budget and
530 annual operation plan, (3) assign staff to administrative reviews, (4)
531 organize pardons and parole release hearing calendars, (5) implement
532 a uniform case filing and processing system, and (6) create programs
533 for staff and board member development, training and education.

534 (j) The chairperson, in consultation with the executive director, shall
535 adopt regulations, in accordance with chapter 54, concerning:

536 (1) Parole revocation and rescission hearings that include

537 implementing due process requirements;

538 (2) An [administrative] expedited pardons [process] review that
539 allows an applicant convicted of a crime to be granted a pardon with
540 respect to such crime without a hearing, unless a victim of such crime
541 requests such a hearing, if such applicant was [:] convicted of a
542 nonviolent crime; and

543 [(A) Convicted of a misdemeanor and (i) such conduct no longer
544 constitutes a crime, (ii) such applicant was under twenty-one years of
545 age at the time of conviction and has not been convicted of a crime
546 during the five years preceding the date on which the pardon is
547 granted, or (iii) such conviction occurred prior to the effective date of
548 the establishment of a program under sections 17a-692 to 17a-701,
549 inclusive, section 46b-38c, 53a-39a, 53a-39c, 54-56e, 54-56g, 54-56i or 54-
550 56j for which the applicant would have been eligible had such program
551 existed at the time of conviction, provided the chairperson determines
552 the applicant would likely have been granted entry into such program;
553 or

554 (B) Convicted of a violation of section 21a-277, 21a-278 or 21a-279
555 and such applicant has not been convicted of a crime during the five
556 years preceding the date on which the pardon is granted, provided
557 such date is at least ten years after the date of such conviction or such
558 applicant's release from incarceration, whichever is later; and]

559 (3) Requiring board members [assigned to pardons hearings] to
560 issue written statements containing the reasons for rejecting any
561 application for a pardon.

562 (k) The Board of Pardons and Paroles shall hold a pardons hearing
563 at least once every three months and shall hold such hearings in
564 various geographical areas of the state. The board shall not hold a
565 pardons hearing within or on the grounds of a correctional facility
566 except when solely for the benefit of applicants who are incarcerated at
567 the time of such hearing.

568 (l) The chairperson and executive director shall establish:

569 (1) In consultation with the Department of Correction, a parole
570 orientation program for all parole-eligible inmates upon their transfer
571 to the custody of the Commissioner of Correction that will provide
572 general information on the laws and policies regarding parole release,
573 calculation of time-served standards, general conditions of release,
574 supervision practices, revocation and rescission policies, and
575 procedures for administrative review and panel hearings, and any
576 other information that the board deems relevant for preparing inmates
577 for parole;

578 (2) An incremental sanctions system for parole violations including,
579 but not limited to, reincarceration based on the type, severity and
580 frequency of the violation and specific periods of incarceration for
581 certain types of violations; and

582 (3) A formal training program for members of the board and parole
583 officers that shall include, but not be limited to, an overview of the
584 criminal justice system, the parole system including factors to be
585 considered in granting parole, victim rights and services, reentry
586 strategies, risk assessment, case management and mental health issues.

587 (m) The board shall employ at least one psychologist with expertise
588 in risk assessment and recidivism of criminal offenders who shall be
589 under the supervision of the chairperson and assist the board in its
590 parole release decisions.

591 (n) In the event of the temporary inability of any member other than
592 the chairperson to perform his or her duties, the Governor, at the
593 request of the board, may appoint a qualified person to serve as a
594 temporary member during such period of inability.

595 (o) The chairperson of the Board of Pardons and Paroles shall: (1)
596 Adopt an annual budget and plan of operation, (2) adopt such rules as
597 deemed necessary for the internal affairs of the board, and (3) submit

598 an annual report to the Governor and General Assembly.

599 (p) Any decision of the board or a panel of the board shall be made
600 by a majority of those members present.

601 Sec. 10. (NEW) (*Effective July 1, 2015*) Not later than January 1, 2016,
602 the Board of Pardons and Paroles, established pursuant to the
603 provisions of section 54-124a of the general statutes, as amended by
604 this act, shall develop a pardon eligibility notice containing written
605 explanatory text of the pardons process set forth in chapter 961 of the
606 general statutes. The board, in conjunction with the Judicial
607 Department and Department of Correction, shall ensure that such
608 notice shall be provided to a person at the time that such person (1) is
609 sentenced pursuant to section 54-92 of the general statutes, (2) is
610 released by the Department of Correction, including any pretrial
611 release pursuant to section 18-100f, (3) has completed or been
612 discharged from a period of parole, and (4) has completed a period of
613 probation or conditional discharge pursuant to section 53a-29 or 53a-33
614 of the general statutes. The board shall update such notice as deemed
615 necessary by the board.

616 Sec. 11. (NEW) (*Effective July 1, 2015*) (a) An inmate (1) not convicted
617 of a crime for which there is a victim, as defined in section 54-201 of
618 the general statutes or section 54-226 of the general statutes, who is
619 known by the Board of Pardons and Paroles, established pursuant to
620 section 54-124a of the general statutes, as amended by this act, (2)
621 whose eligibility for parole release is not subject to the provisions of
622 subsection (b) of section 54-125a of the general statutes, as amended by
623 this act, (3) who was not convicted of a violation of section 53a-55, 53a-
624 55a, 53a-56, 53a-56a, 53a-56b, 53a-57, 53a-58, 53a-59, 53a-60, 53a-60a,
625 53a-60c, 53a-64aa, 53a-64bb, 53a-59a, 53a-70, 53a-70b, 53a-72b, 53a-92,
626 53a-92a, 53a-94a, 53a-95, 53a-100aa, 53a-101, 53a-102, 53a-102a, 53a-
627 103a, 53a-111, 53a-112, 53a-134, 53a-135, 53a-136, 53a-167c, 53a-179b,
628 53a-179c, or 53a-181c of the general statutes, and (4) who is not
629 otherwise prohibited from being granted parole for any reason, may be

630 allowed to go at large on parole in accordance with the provisions of
631 section 54-125a of the general statutes, as amended by this act, or
632 section 54-125g of the general statutes, as amended by this act,
633 pursuant to the provisions of subsections (b) and (c) of this section.

634 (b) A member of the board, or an employee of the board qualified
635 by education, experience or training in the administration of
636 community corrections, parole, pardons, criminal justice, criminology,
637 the evaluation or supervision of offenders or the provision of mental
638 health services to offenders, may evaluate whether parole should be
639 granted to an inmate pursuant to this section. The board member or
640 employee shall (1) use risk-based structured decision making and
641 release criteria developed under policies adopted by the board
642 pursuant to subsection (d) of section 54-124a of the general statutes, as
643 amended by this act, and (2) review the inmate's offender
644 accountability plan, including, but not limited to, the environment to
645 which the inmate plans to return upon release, to determine whether
646 parole should be recommended for such inmate.

647 (c) If the board member or qualified employee recommends parole
648 for an inmate, the chairperson of the board shall present such
649 recommendation and all pertinent information to a parole release
650 panel for approval. No parole release panel may review such
651 recommendation and determine the suitability for parole release of an
652 inmate unless the chairperson has made reasonable efforts to
653 determine the existence of and obtain all information deemed
654 pertinent to the panel's decision and has certified that all such
655 pertinent information determined to exist has been obtained or is
656 unavailable.

657 Sec. 12. Subsection (a) of section 54-125a of the general statutes is
658 repealed and the following is substituted in lieu thereof (*Effective July*
659 *1, 2015*):

660 (a) A person convicted of one or more crimes who is incarcerated on

661 or after October 1, 1990, who received a definite sentence or aggregate
662 sentence of more than two years, and who has been confined under
663 such sentence or sentences for not less than one-half of the aggregate
664 sentence less any risk reduction credit earned under the provisions of
665 section 18-98e or one-half of the most recent sentence imposed by the
666 court less any risk reduction credit earned under the provisions of
667 section 18-98e, whichever is greater, may be allowed to go at large on
668 parole in (1) accordance with the provisions of section 11 of this act, or
669 (2) the discretion of the panel of the Board of Pardons and Paroles for
670 the institution in which the person is confined, if [(1)] (A) it appears
671 from all available information, including any reports from the
672 Commissioner of Correction that the panel may require, that there is
673 reasonable probability that such inmate will live and remain at liberty
674 without violating the law, and [(2)] (B) such release is not incompatible
675 with the welfare of society. At the discretion of the panel, and under
676 the terms and conditions as may be prescribed by the panel including
677 requiring the parolee to submit personal reports, the parolee shall be
678 allowed to return to the parolee's home or to reside in a residential
679 community center, or to go elsewhere. The parolee shall, while on
680 parole, remain under the jurisdiction of the board until the expiration
681 of the maximum term or terms for which the parolee was sentenced
682 less any risk reduction credit earned under the provisions of section
683 18-98e. Any parolee released on the condition that the parolee reside in
684 a residential community center may be required to contribute to the
685 cost incidental to such residence. Each order of parole shall fix the
686 limits of the parolee's residence, which may be changed in the
687 discretion of the board and the Commissioner of Correction. Within
688 three weeks after the commitment of each person sentenced to more
689 than two years, the state's attorney for the judicial district shall send to
690 the Board of Pardons and Paroles the record, if any, of such person.

691 Sec. 13. Section 54-125g of the general statutes is repealed and the
692 following is substituted in lieu thereof (*Effective July 1, 2015*):

693 Notwithstanding the provisions of sections 18-100d, 54-124c and 54-

694 125a, as amended by this act, any person who has six months or less to
 695 the expiration of the maximum term or terms for which such person
 696 was sentenced, may be allowed to go at large on parole pursuant to
 697 section 11 of this act or following a hearing pursuant to section 54-
 698 125a, as amended by this act, provided such person agrees (1) to be
 699 subject to supervision by personnel of the Department of Correction
 700 for a period of one year, and (2) to be retained in the institution from
 701 which such person was paroled for a period equal to the unexpired
 702 portion of the term of his or her sentence if such person is found to
 703 have violated the terms or conditions of his or her parole. Any person
 704 subject to the provisions of subdivision (1) or (2) of subsection (b) of
 705 section 54-125a shall only be eligible to go at large on parole under this
 706 section after having served ninety-five per cent of the definite sentence
 707 imposed.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2015</i>	21a-279
Sec. 2	<i>October 1, 2015</i>	7-294d(c)
Sec. 3	<i>October 1, 2015</i>	29-28(b)
Sec. 4	<i>October 1, 2015</i>	29-36f(b)
Sec. 5	<i>October 1, 2015</i>	29-37p(b)
Sec. 6	<i>October 1, 2015</i>	53a-217(a)
Sec. 7	<i>October 1, 2015</i>	53a-217c(a)
Sec. 8	<i>October 1, 2015</i>	18-100h(b)
Sec. 9	<i>June 30, 2015</i>	54-124a
Sec. 10	<i>July 1, 2015</i>	New section
Sec. 11	<i>July 1, 2015</i>	New section
Sec. 12	<i>July 1, 2015</i>	54-125a(a)
Sec. 13	<i>July 1, 2015</i>	54-125g

Statement of Purpose:

To implement the Governor's budget recommendations.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]

